

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS-----X
JOHN SULLIVAN,

Plaintiff,

-against-

ST. THERESE OF LISIEUX ROMAN CATHOLIC
CHURCH, ST. THERESE OF LISIEUX SCHOOL,
ROMAN CATHOLIC DIOCESE OF BROOKLYN,
JOHN DOE and JANE DOE, RICHARD ROE and
JANE ROE, priests, clergy and administrators whose
names are unknown to the Plaintiff,Defendants.
-----X

Index No.

Date Purchased:

Plaintiff designates


KINGS

County as the place of trial.

The basis of the venue is
Defendants' place of
business.**SUMMONS**

To the above named Defendant(s)

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: New York, New York
September 13, 2019

MICHAEL G. DOWD
600 Third Avenue, 15th Floor
New York, NY 10016
(212) 751-1640

SWEENEY, REICH & BOLZ, LLP
By: Gerard J. Sweeney, Esq.
1981 Marcus Avenue, Suite 200
Lake Success, NY 11042
(718) 459-9000

Attorneys for Plaintiff

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS-----X
JOHN SULLIVAN,

Plaintiff,

Index No.
Date Filed:

-against-

ST. THERESE OF LISIEUX ROMAN CATHOLIC
CHURCH, ST. THERESE OF LISIEUX SCHOOL,
ROMAN CATHOLIC DIOCESE OF BROOKLYN,
JOHN DOE and JANE DOE, RICHARD ROE and
JANE ROE, priests, clergy and administrators whose
names are unknown to the Plaintiff,**VERIFIED COMPLAINT**Defendants.
-----XPlaintiff, John Sullivan, by his attorney, MICHAEL G. DOWD, complaining of
Defendants, hereby alleges the following:**JURISDICTION AND VENUE**

1. This action is timely commenced pursuant to the New York State Child Victims Act, dated February 14, 2019, and CLPR § 214-g.
2. This Court has jurisdiction pursuant to CPLR § 301 as Defendants' principal place of business is in New York and because much of the unlawful conduct complained of herein occurred in New York.
3. Venue is proper pursuant to CPLR § 503 because Kings County is the principal place of business of Defendants. In addition, many of the events giving rise to this action occurred in Kings County.

AS AND FOR A FIRST CAUSE OF ACTION

(NEGLIGENT SUPERVISION)

4. The Plaintiff, John Sullivan (hereinafter "Plaintiff") was born on August 21, 1954. He is a resident of the State of Texas.
5. Plaintiff is a Roman Catholic and was a parishioner at Defendant ST. THERESE OF LISIEUX ROMAN CATHOLIC CHURCH (hereinafter "ST. THERESE"), which is a parish within the Defendant DIOCESE OF BROOKLYN. ST. THERESE is located in Brooklyn, New York, which is in Kings County.
6. Plaintiff was baptized, confirmed, attended mass, and received his sacraments through the Roman Catholic Church.
7. Upon information and belief, at all times mentioned herein, the DIOCESE OF BROOKLYN (hereinafter "DIOCESE") was and is a not-for-profit religious corporation organized and existing around and under by virtue of the laws of the State of New York. Its principal headquarters are located in Brooklyn, New York, which is in Kings County.
8. Upon information and belief, NICHOLAS ANTHONY DiMARZIO (hereinafter "DiMARZIO") is currently the Roman Catholic Bishop of the DIOCESE.
9. Upon information and belief, the Bishop is the Chief Executive Officer of all parishes and parish schools in the DIOCESE and as part of said responsibilities assigned the priests to work in the parishes.
10. Upon information and belief, all of DiMARZIO's predecessor(s) were the Chief Executive Officers of all parishes and parish schools in the DIOCESE and as part of said responsibilities assigned the priests to work in the parishes, including

JOHN CROSS (hereinafter "CROSS"). This includes those Bishops who assigned CROSS to his parish positions.

11. Upon information and belief, at all times mentioned herein, DiMARZIO and the above-referenced predecessor Bishops in the Office of the Bishop, along with Defendant DIOCESE, created the policies and procedures to be followed by priests within the DIOCESE. The Office of the Bishop and Defendant DIOCESE were responsible for investigating complaints against its parish clergy. In this capacity, the Office of the Bishop either directly or through Diocesan officials appointed by them, established policies and procedures by which complaints of sexual abuse against parish clergy, priests, and staff were to be dealt with and investigated by the DIOCESE.
12. Upon information and belief, at all times mentioned herein, the Office of the Bishop was also responsible for removing and/or suspending parish clergy and priests from their duties.
13. Upon information and belief, at all times relevant, the Office of the Bishop and Defendant DIOCESE were in charge of supervising all Catholic schools within its geographical boundaries, including the school at ST. THERESE and developed and approved the curriculum, both religious and secular, for all these schools.
14. Upon information and belief, at all times mentioned herein, the Office of the Bishop and Defendant DIOCESE also appointed the school principals and controlled the hiring and training of the teachers in its schools.
15. Upon information and belief, at all times mentioned herein, CROSS was a pastor at Defendant ST. THERESE having been assigned and otherwise authorized to

work there by the Office of the Bishop.

16. Upon information and belief, Defendant ST. THERESE is a Roman Catholic parish church within the DIOCESE.
17. Sometime in approximately 1962, CROSS began a pattern of grooming Plaintiff for the purpose of sexually abusing him. This grooming included, but was not limited to, giving Plaintiff special attention and money.
18. CROSS' abuse of Plaintiff began in approximately 1962 and continued through approximately 1967. The abuse included, but was not limited to CROSS having Plaintiff sit on his lap for up to twenty minutes at a time while CROSS used his legs to move Plaintiff up and down to masturbate himself to the point of ejaculation and having Plaintiff reach into his pocket for a dime. The abuse occurred in the rectory of Defendant ST. THERESE. Plaintiff estimates the abuse occurred on at least one hundred occasions.
19. Upon information and belief, at all times mentioned herein, Defendant DIOCESE knew or should have known that children such as Plaintiff were present in parish rectories for a variety of purposes, including but not limited to counseling and part-time work.
20. Upon information and belief, sometime in 2019 a list of those priests credibly accused of child sexual abuse was released by the DIOCESE. CROSS was included on that list. The fact that CROSS was included on that list of credibly accused priests is an admission by Defendant DIOCESE that CROSS sexually abused minors.

21. Upon information and belief, Plaintiff was taught and otherwise informed by Defendants DIOCESE and ST. THERESE by word and deed that he should obey, trust, and respect the DIOCESE and CROSS.
22. Upon information and belief, since at least 1950 through present, Defendants DIOCESE and ST. THERESE knew the risk of sexual abuse of minor parishioners by priests and other staff working in the DIOCESE.
23. Upon information and belief, at all times mentioned herein, Defendants DIOCESE and ST. THERESE knew that minors sexually abused in the Catholic Church would suffer psychological and emotional injuries, as well as other damages.
24. Upon information and belief, at all times mentioned herein, Defendant DIOCESE aided and abetted the concealment of criminal conduct by failing and refusing to report allegations of child sexual abuse to appropriate New York civil authorities.
25. Upon information and belief, at the time of the acts alleged herein, CROSS was an employee of, and acting as an agent of Defendants DIOCESE and ST. THERESE.
26. Upon information and belief, Defendants DIOCESE and ST. THERESE had a duty to protect Plaintiff as a minor parishioner from CROSS' criminal sexual acts.
27. Upon information and belief, Defendants DIOCESE and ST. THERESE failed to adequately and completely supervise CROSS, and as a result of this failure and negligence, proximately caused Plaintiff to be sexually abused by CROSS.
28. The aforementioned occurrences of sexual abuse were caused by the negligence, carelessness, recklessness, and the willful, wanton, reckless and grossly negligent

conduct of Defendants DIOCESE and ST. THERESE and their agents, servants, and/or employees, in failing to properly and adequately supervise the conduct of CROSS as it related to Plaintiff.

29. By reason of the foregoing, Plaintiff sustained physical and psychological injuries, including but not limited to, severe emotional distress, confusion, humiliation, fright, anxiety, a severe shock to his nervous system, and has been caused to suffer physical pain and mental anguish, emotional and psychological damages as a result thereof, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature; and that Plaintiff as a result will be obligated to expend sums of money for medical expenses for treatment of said maladies.
30. That by reason of the foregoing, Defendants DIOCESE and ST. THERESE are also liable to Plaintiff for punitive and exemplary damages.
31. It is hereby alleged pursuant to CPLR 1603 that the foregoing cause of action is exempt from the operation of CPLR 1601 by reason of one or more of the exemptions provided in CPLR 1602, including but not limited to, CPLR 1602(7) and 1602(11).
32. That the amount of damages sought exceeds the jurisdictional limits of all lower courts, which would otherwise have jurisdiction.

AS AND FOR A SECOND CAUSE OF ACTION

(NEGLIGENT FAILURE TO WARN)

33. Plaintiff repeats, reiterates, and realleges each and every allegation contained in the above paragraphs of this Complaint, with the same force and effect as if fully

set forth at length herein.

34. Upon information and belief, prior to and at all times herein mentioned, Defendants DIOCESE and ST. THERESE and their agents, servants, and employees, knew or should have known that CROSS violated DIOCESE and ST. THERESE's relevant rules, regulations and protocols prohibiting priests like CROSS from sexually abusing and otherwise harming minor parishioners, including Plaintiff.
35. The Defendants DIOCESE and ST. THERESE and their agents, servants, and employees were negligent, careless and reckless and acted willfully, wantonly and were grossly negligent in failing to warn Plaintiff that the failure of CROSS to abide by DIOCESE and ST. THERESE's rules, regulations and protocols regarding prohibitions on employees being alone with minor parishioners put Plaintiff at risk for being sexually abused by CROSS.
36. By reason of the foregoing, Plaintiff sustained physical and psychological injuries, including but not limited to, severe emotional distress, confusion, humiliation, fright, anxiety, a severe shock to his nervous system, and has been caused to suffer physical pain and mental anguish, emotional and psychological damages as a result thereof, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature; and that Plaintiff as a result will be obligated to expend sums of money for medical expenses for treatment of said maladies.
37. That by reason of the foregoing, Defendants DIOCESE and ST. THERESE are also liable to Plaintiff for punitive and exemplary damages.

38. It is hereby alleged pursuant to CPLR 1603 that the foregoing cause of action is exempt from the operation of CPLR 1601 by reason of one or more of the exemptions provided in CPLR 1602, including but not limited to, CPLR 1602(7) and 1602(11).
39. That the amount of damages sought exceeds the jurisdictional limits of all lower courts, which would otherwise have jurisdiction.

AS AND FOR A THIRD CAUSE OF ACTION

(NEGLIGENT FAILURE TO PROVIDE A SAFE AND SECURE ENVIRONMENT)

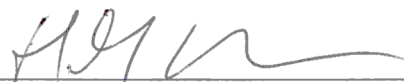
40. Plaintiff repeats, reiterates, and realleges each and every allegation contained in the above paragraphs of this Complaint, with the same force and effect as if fully set forth at length herein.
41. The Defendants DIOCESE and ST. THERESE assumed a duty to protect the safety and welfare of Plaintiff as more fully set forth above, when Plaintiff participated as a parishioner in ST. THERESE related activities such as attending the parish school, confession, and counseling. This duty imposed upon said Defendants, the duty to provide a reasonably safe and secure environment for Plaintiff while he was participating in parish programs.
42. When Plaintiff was in said Defendants' care, said Defendants failed to exercise the degree of care that a reasonably prudent parent would have exercised under similar circumstances.
43. Defendants DIOCESE and ST. THERESE and their agents and employees were negligent, careless and reckless and acted willfully, wantonly and were grossly negligent in failing to provide a safe and secure environment for Plaintiff while he

participated as a minor in parish programs and as such was sexually abused by CROSS.

44. By reason of the foregoing, Plaintiff sustained physical and psychological injuries, including but not limited to, severe emotional distress, confusion, humiliation, fright, anxiety, a severe shock to his nervous system, and has been caused to suffer physical pain and mental anguish, emotional and psychological damages as a result thereof, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature; and that Plaintiff as a result will be obligated to expend sums of money for medical expenses for treatment of said maladies.
45. That by reason of the foregoing, Defendants DIOCESE and ST. THERESE are also liable to Plaintiff for punitive and exemplary damages.
46. It is hereby alleged pursuant to CPLR 1603 that the foregoing cause of action is exempt from the operation of CPLR 1601 by reason of one or more of the exemptions provided in CPLR 1602, including but not limited to, CPLR 1602(7) and 1602(11).
47. That the amount of damages sought exceeds the jurisdictional limits of all lower courts, which would otherwise have jurisdiction.

WHEREFORE, the Plaintiff demands judgment against the Defendants, together with compensatory and punitive damages, and the interest, costs and disbursements pursuant to the causes of action herein.

Dated: New York, New York
September 13, 2019



MICHAEL G. DOWD
600 Third Avenue, 15th Floor
New York, NY 10016
(212) 751-1640

SWEENEY, REICH & BOLZ, LLP
By: Gerard J. Sweeney, Esq.
1981 Marcus Avenue, Suite 200
Lake Success, NY 11042
(718) 459-9000

Attorneys for Plaintiff


VERIFICATION BY ATTORNEY

MICHAEL G. DOWD, an attorney being duly admitted before the courts of the State of New York, hereby affirms the following under penalties of perjury:

That he is an attorney for the Plaintiff in the above-entitled action with offices located at 600 Third Ave, New York, New York; that he has read the foregoing VERIFIED COMPLAINT and knows the contents thereof; that the same is true to his knowledge, except as to the matters stated to be alleged upon information and belief, and that as to those matters he believes them to be true.

That the reason why this verification is made by deponent instead of Plaintiff is because Plaintiff is not within the County of New York where deponent has his office. Deponent further says that the grounds of his belief as to all matters in the VERIFIED COMPLAINT not stated to be upon his knowledge are based upon conversations with the Plaintiff and other writings relevant to this action.

Dated: New York, New York
September 13, 2019



MICHAEL G. DOWD
Attorney for Plaintiff
600 Third Avenue, 15th Floor
New York, NY 10016
(212) 751-1640